THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION No.26070 of 2005

Dated: 04-04-2006

Between:

G. Pydi Raju

..... PETITIONER

AND

The A.P.S.R.T.C., Rep. by its Managing Director,
and two others

.....RESPONDENTS

THE HON'BLE Ms. JUSTICE G.ROHINI

WRIT PETITION No.26070 of 2005

O R D E R:

This Writ Petition is filed seeking a declaration that the action of the respondent-Corporation in terminating the licence of the petitioner and rejecting the case of the petitioner for refund of the goods belongs to the petitioner in Shop No.19-A of Dwaraka Bus Station, Visakhapatnam, is arbitrary and illegal.

It is not in dispute that the petitioner was allotted shop No.19 for running electrical and electronic goods in Dwaraka Bus Station, Visakhapatnam for a period of six years i.e. from 17-11-2003 to 16-11-2009. However, it appears that the petitioner fell in arrears to the tune of Rs.24,779/- and consequently the licence was terminated by order dated 19-07-2004 duly forfeiting the security deposit. Since the petitioner was not available and the shop was closed, the order of termination was affixed on the shop under the cover of panchanama and the shop was broke open by the Assistant Traffic Manager on 26-08-2004 in the presence of witnesses and the security personnel of the Corporation and available goods were seized. Subsequently, fresh tenders were invited on 14-09-2004 and licence was granted to the highest bidder. So far as the seized items are concerned, it is stated that the value of the seized items would come to Rs.9,030/- and the said amount was

appropriated towards the amount due to the Corporation.

Since the licence has already been terminated and the shop was allotted to a third party, a writ of *Mandamus* as prayed for cannot be granted at this stage. So far as the recovery of the security deposits as well as the value of the goods belonging to the petitioner, which were seized from the shop in question, it is left open to the petitioner to work out the appropriate common law remedy as available under law, if he is so advised.

The Writ Petition is accordingly disposed of. No costs.

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G.ROHINI,J

Dated:04-04-2006
KLP